IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 24503 of 2007(P)

PETITIONER:

DR.S.KAILASAM,S/O.SIVALINGA NADAR,
AGED 62 YEARS,SIVA SREE SADANAM,VELLARADA,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.MAHESH

RESPONDENTS:

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1. THE KERALA ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,VAIDYUTHI BHAVAN,
PATTAM,THIRUVANANTHAPRUAM.

2. THE ASSISTANT ENGINEER,
THE KERALA ELECTRICITY BOARD,
VELLARADA,THIRUVANANTHAPURAM.

BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.24503 of 2007

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Dated this the 4th day of September, 2007.

JUDGMENT

Prayer is for stay against disconnection of supply to the meter used for pumping water by the petitioner. While the case of the KSEB is that water pumped is for hospital purpose, the case of the petitioner is that pumping is done for irrigation. In order to get exemption of concessional tariff for irrigation purpose, petitioner has to necessarily obtain certificate from the Agricultural Officer concerned. If no certificate is produced, KSEB is free to disconnect supply unless arrears are paid. If supply is disconnected, there will be direction to the second respondent to restore supply on petitioner clearing entire arrears and on continuing to pay the regular bills until petitioner gets favourable orders from the Agricultural Officer. If petitioner makes application before the Agricultural Officer, he will conduct field inspection and if satisfied about the agricultural operations justifying use of power for irrigation purpose, he will issue appropriate certificate for production before KSEB.

The W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms